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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 40th MEETING
(FIRST PART*)

Held at the Palais des Nations, Geneva,
on Monday, 24 February 1992, at 3.00 p.m.

Chairman: Mr. SOLT (Hungary)
later: Mr. WALKER (Australia)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries, including:

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* The summary record of the second part of the meeting appears as document E/CN.4/1992/SR.40/Add.1.

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The meeting was called to order at 3.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT (agenda item 12) (continued)

(E/CN.4/1992/3; E/CN.4/1992/4; E/CN.4/1992/25; E/CN.4/1992/26; E/CN.4/1992/27 and Corr.1; E/CN.4/1992/28 and Add.1; E/CN.4/1992/29; E/CN.4/1992/30/Add.1; E/CN.4/1992/31; E/CN.4/1992/32; E/CN.4/1992/33; E/CN.4/1992/34; E/CN.4/1992/35; E/CN.4/1992/36; E/CN.4/1992/37; E/CN.4/1992/60; (S/23212) E/CN.4/1992/64; E/CN.4/1992/67; E/CN.4/1992/68; E/CN.4/1992/72; E/CN.4/1992/CRP.1; E/CN.4/1992/CRP.2; E/CN.4/1992/NGO/2; E/CN.4/1992/NGO/5; E/CN.4/1992/NGO/10; E/CN.4/1992/NGO/13; E/CN.4/1992/NGO/19; E/CN.4/1992/NGO/24; E/CN.4/1992/NGO/34; E/CN.4/1991/24; E/CN.4/1991/27; E/CN.4/1991/28; E/CN.4/1991/29; E/CN.4/1991/30; E/CN.4/1991/31; E/CN.4/1991/33 and Add.1; E/CN.4/1991/34; E/CN.4/1991/35; E/CN.4/1991/36; A/46/446; A/46/529; A/46/542; A/46/544 and Corr.1; A/46/606; A/46/647)

1. Mr. TZELIOS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that, as a result of recent international developments, the issue of minority rights had acquired even more relevance. The minorities concerned included the Greeks in Southern Albania. The Albanian authorities systematically violated their fundamental rights and, in the past, had attempted to eliminate them through brutal force; now, however, they were employing more subtle tactics in a bid to assimilate the Greek minority into the general Albanian population or to drive the Greeks out of the country. Over 100,000 Albanians of Greek descent had already been induced to seek refuge in Greece, the Albanian Government having led them to believe that they would enjoy better living conditions there. Furthermore, the Greek minority was unable to exercise its right to freedom of religion and education, and the teaching of Greek was not allowed in Albania, except in a few restricted areas near the Greek border. The Albanian authorities had failed to respond to the repeated demands of the Greek minority regarding teaching, demands which were however well below the standards recognized by the international community. It had also been established that the Albanian authorities had devised an ingenious technique to alter the Greek population figures by designating some of the children in a family as Greek, while classifying their brothers or sisters as Albanian.

2. The persecution of the Greek minority appeared to have assumed a new dimension. In an open letter to the Greek Prime Minister, dated 12 December 1991, the inhabitants of a village in Southern Albania had complained of persecution at the hands of armed gangs of ethnic Albanians. It was reported that the authorities had failed to take action and Albanian soldiers had even taken part in the acts of brutality suffered by the villagers. Incidents of the same nature had also occurred in another community at the beginning of the year.

3. In the field of political rights, a systematic attempt had been made on the eve of the last election, on 31 March 1991, to limit the parliamentary representation of the Greek minority party (Omonoia) by not allowing it to register candidates in electoral districts that contained a high proportion of ethnic Greeks. Even worse, the Albanian Parliament had recently forbidden the creation of political parties or organizations based on religious or ethnic criteria, thereby barring them from participation in the next elections on 22 March. The Greek minority was thus deprived of its voice in Parliament and in the new Albanian society that was emerging. In addition, the Albanian regime did not allow political exiles to return home to participate in the elections. For example, he himself, as a member of the Greek minority, had recently been refused entry into Albania.

4. The civilized world should no longer tolerate that situation. While seeking to be accepted into the international community through false promises of reform, the Albanian Government was simultaneously engaged in the ethnic genocide of its Greek minority. Such abuses were especially intolerable in that Albania had recently been admitted to the Helsinki Conference and the Conference on Security and Cooperation in Europe and had also signed the International Covenant on Civil and Political Rights.

5. As recently reported by Helsinki Watch, the flagrant violations of human rights perpetrated by Turkey were also continuing, not only against the Kurds, but also against the Turkish population itself. Even though the Turkish authorities purported to champion human rights, the Turkish troops still occupying one third of Cyprus denied all responsibility for the disappearances reported since the invasion of the island in 1974. The Turkish settlers in the occupied zone, from which 82 per cent of the Greek Cypriot population had been expelled by the armed forces, now outnumbered, along with the Turkish occupation forces, the Turkish Cypriot community initially living on the island. The establishment of settlers was a serious and flagrant violation of the rights of both Greek and Turkish Cypriots. The organization which he represented wished to reaffirm the need to guarantee all Cypriots the right to freedom of movement and settlement and the right to property.

6. Mrs. ALTUNA DE SANCHEZ (Christian Democrat International) said that the human rights situation in Haiti had remained explosive since the time of the Duvalier dictatorship. She noted that following a succession of coup d'état at the end of the 1980s, President Aristide had been elected to power under dubious legal and political circumstances and against a background of violence. It should not be forgotten that, like the majority of Latin American countries, Haiti had a presidential regime, there being no traditional parliamentary system as in some European countries. Whatever the case, under the Haitian Constitution, the President was the head of State, but the prerogatives and responsibilities of Government were vested in the Prime Minister, who needed to have the confidence of Parliament. Unfortunately, it had to be said that in discharging his mandate, President Aristide had tolerated or excused serious human rights violations and had, in particular, personally ordered the execution of certain opponents. Such abuses should be the subject of an inquiry, and those responsible should be punished in accordance with Haitian law and the international conventions to which Haiti was party. However, in overthrowing

the constitutional order, the perpetrators of the military coup d'état had opened a new and bloody chapter in Haitian history. The international community should demand the return of President Aristide and respect for the Haitian Constitution and the mandate of the Parliament, which also drew its legitimacy from the popular vote.

7. At a recent meeting in Caracas, the Christian Democratic Organization of America, which was a member of Christian Democrat International, had demanded the restoration of democracy, political pluralism and respect for human rights in Haiti, as well as the immediate lifting of the embargo, which, paradoxically, mainly affected the principal victims of the military coup d'état. Moreover, according to information received that very day, it appeared that the Organization of American States had suggested a new formula to secure the return of President Aristide. Any solution should nevertheless be accompanied by measures to bring about an economic revival in order to address the root causes of the country's political instability.

8. In Cuba, the human rights situation had considerably deteriorated over the previous four months, as emerged from the report of Mr. Rivas Posada, the Special Representative responsible for monitoring the situation in that country (document E/CN.4/1992/27). A member of the Cuban Parliament was reported to have admitted the existence of a thousand opponents of the regime, supporters of the right wing, moderates or other persons linked to the Catholic Church. In their efforts to combat all "counter-revolutionary" ideas and, especially, defenders of human rights and members of the opposition, brigadas de respuesta rápida (flying squads) set up within the framework of the Committees for the Defence of the Revolution did not hesitate to use violence. Politically-motivated arrests were on the increase, and three activists had been sentenced to death the previous year following summary proceedings, despite the many petitions for clemency sent from all over the world to the Cuban authorities.

9. The defenders of human rights and the members of the Cuban opposition had, for their part, been constantly demanding a peaceful and nationalist solution to their country's problems, rejecting as a matter of principle all forms of violence and advocating dialogue and reconciliation. The Cuban authorities had responded to such peaceful activism with even greater brutality, directed in particular against the members of the Christian communities, the signatories of the "Declaration of Cuban Intellectuals" and the supporters of the "Democratic Socialist Project". All democratic Governments, and first and foremost those of Latin America, should therefore intercede with the Cuban Government, urging it at least to allow the Special Representative or the designated United Nations expert to visit the island and carry out his mandate.

10. Monsignor CONEDERA (Pax Romana) said that in 1991, the President of his country, Guatemala, had pledged before the Guatemalan people and the rest of the world to put an end to the domestic armed conflict, abolish the system of judicial immunity and muster all the country's energies in order to overcome its socio-economic problems. In April of the same year, direct negotiations between the Government and the opposition, represented by the Guatemalan National Revolutionary United Front (URNG), had started up, unfortunately without the participation of all sections of society. Against the backdrop of

the negotiations, the army had been responsible, through army-backed civilian self-defence committees some 500,000 strong, for further clashes and abuses directed against the Communities in Resistance. Civilian agents in the pay of the army who infiltrated the villages, aided by other armed civilians, abducted young men at random, including minors and the mentally deficient, and press-ganged them into the army in breach of the Constitution and the law.

11. The impunity of those responsible for such abuses was a particularly serious problem in so far as it led to a lack of faith in institutions, was a source of discouragement and caused violence to be an everyday phenomenon. The statements of intent by the authorities had not been translated into action, even though there had been some slight progress. The fact that most of the abuses had occurred prior to 1991 did not release the authorities from the obligation to conduct an inquiry and prosecute those responsible. Even though the number of abuses had decreased during President Serrano's first year of office, repression had been practised more selectively and attempts had sometimes been made to class abuses as ordinary offences. The members of religious communities in particular had paid a high price, with some having had to seek refuge abroad. Torture had also been practised by the police to obtain confessions. Although Pax Romana had made habeas corpus applications in four cases, it did not know what the outcome had been. The phenomenon of the enforced disappearance of trade union leaders, students and defenders of human rights was also persisting. Local and foreign media were not spared and had received threats.

12. The judiciary was helpless to do anything about the situation. Habeas corpus applications were ineffective, legal proceedings became bogged down and members of the security forces who had been a party to offences were not always brought before the courts. There was however no denying that it was difficult for the Public Prosecutor to shed any light on some cases of human rights violations, particularly in the absence of any international pressure to probe further. There was consequently a climate of insecurity in the country, whose institutions were incapable of offering protection to citizens. The recommendations made to the Government of Guatemala by the Commission in its resolution 1991/51 had not been put into effect: the authorities had neither stepped up investigations into cases of abuse, nor prosecuted those responsible. Furthermore, legal proceedings had not been simplified. The provisions governing recruitment to the civilian self-defence patrols were not complied with. The concrete rights of the indigenous people were not protected by law, and International Labour Organisation Convention No. 169 relating to such people had still not been ratified by Guatemala.

13. In addition, the socio-economic situation was not improving, essentially because most landowners were more interested in financial speculation than in agriculture. On the other hand, there were 2 million farmers without land. Admittedly, the situation had stabilized somewhat during the preceding year, given the lower rate of inflation, the steadier currency and the considerable reduction in the budget deficit. However, since the recovery was essentially the result of non-productive financial investments, it was difficult to see how the plight of the majority of Guatemalans could be improved when barely 30 per cent of them were in full employment. In real terms, social investments had declined, 53 per cent of the population were illiterate and there was

a high infant mortality rate. Four out of five children suffered from malnutrition. Investments in the health field would have to be eight times higher in order to meet the most pressing needs. Those were the realities of which the Commission should not lose sight when analysing the situation in Guatemala, offering good reason for it to request the Secretary-General of the United Nations to appoint a special representative so that human rights and fundamental freedoms in that country might not remain a dead letter.

14. Mrs. MITTERRAND (France-Libertés) would discuss the situation of the Tibetan, Timorese and Kurdish peoples in the context of a single demand: respect for their identity and the right for all to live in dignity.

15. According to what had been told to her personally by hundreds of Tibetan refugees and their representative, the Dalai Lama, a sixth of the country's population, i.e. 1,200,000 Tibetans, had died since 1949 (the date of Tibet's occupation by China) as a result of the Chinese occupation; one Tibetan in 10 had spent time in prison and in nearly every case had been beaten and tortured while in detention. The most recent known violations of that kind had followed the peaceful demonstrations in Lhasa between August and September 1991.

16. Moreover, according to the report produced in 1991 by the organization "International Campaign for Tibet", the Chinese Government had exceptionally authorized its nationals settled in Tibet, as well as Tibetans in the large urban centres, to have a second child, and even a third child for those in rural areas. However, that ran seriously counter to the direct testimony of Tibetan women who had been tortured, mutilated and sterilized for having begun a second pregnancy, and to the announcement that the Chinese birth control policy was to be extended to the autonomous region of Tibet. In addition, the population transfer policy introduced in 1983 could well cause the Tibetan population to become a minority on its own territory. Religious freedom was also subject to constant restrictions in the form of a permanent police presence in the Buddhist monasteries and the control thereby exercised over the teaching of Tibetan, a language which had been relegated to second place ever since Chinese had become the official language. Lastly, China's intensive exploitation of Tibet's natural resources, particularly wood, and the discharge of untreated industrial products which filtered into the subsoil, seriously compromised the balance of the environment and also endangered the ecological balance of neighbouring countries.

17. It was true that in 1959 and 1961, the General Assembly, "mindful ..., concerned ..., deploring ...", had condemned such violations in its resolutions 1353 (XIV) and 1723 (XVI). Thirty years on, in 1992, the Commission on Human Rights, still "mindful ..., concerned ..., deploring ...", could again adopt a resolution requesting that man should be respected in his body and culture, that every effort should be made to find, through dialogue, a solution to Tibet's problems, and above all, that the States represented, supported by all the non-governmental organizations, should give themselves the means to implement such a resolution.

18. With regard to Timor, the Indonesian military invasion of 7 December 1975 had put an end to the decolonization process initiated by Portugal. The General Assembly had immediately adopted resolution 3485 (XXX), calling upon the Indonesian Government to withdraw its armed forces from East Timor. It had to be recognized, however, that 16 years after the adoption of the resolution, over 200,000 people, representing at least one third of Timor's population, had died as a direct result of the occupation; that the population was resisting a policy of forced assimilation, birth control, and the appropriation of its natural wealth; and that it had no freedom of expression, assembly or thought, and was subjected to arbitrary arrests, ill-treatment and torture. Many reliable testimonies had confirmed such violations, and the massacre of 12 November 1991 still remained in everyone's memory. Firing on the crowd, Indonesian troops had, on that day, killed 100 people, not counting what would have appeared to have been the extrajudicial executions of a number of witnesses.

19. France-Libertés appreciated the fact that Mr. Boutros-Ghali, Secretary-General of the United Nations, had appointed a Special Representative to inquire into those tragic events. The time had again come for the international community, "mindful ..., concerned ..., deploring ...", to condemn the annexation of East Timor, which was a violation of international law, and in particular of the right of all peoples to self-determination and independence. Above all, the time had come for the United Nations and the Governments of its Member States to give themselves the means to ensure respect for the resolutions they had approved, and particularly to demand that the Indonesian Government should withdraw its armed forces from the territory of East Timor and allow the people of East Timor freely to choose their destiny and accede to independence.

20. Turning to the situation of the Kurdish people, she said that no one could be unaware of the disastrous consequences for that people of the embargo organized by the Iraqi leaders themselves; or that the mining of the area inhabited by the Kurds and the destruction of their towns and villages had turned the whole region into a vast field of ruins. All those who were committed to the defence of human rights could not but urge that the Kurdish people should be assured of being able to return freely to those towns and villages in order to rebuild them; that Security Council resolution 688, which provided for the use of the resources of the specialized agencies of the United Nations in the Kurdish region, should be applied; and that all possible means should be employed to induce the Iraqi Government to lift the embargo on food and staples imposed upon the Kurdish population. Such was the duty of the United Nations and of the Commission as the conscience of humanity.

21. Mr. BETZIOS (Greek Orthodox Archdiocesan Council of North and South America) drew the Commission's attention to the gross and systematic violations perpetrated by a group of nationalist extremists and by a part of the former Federal State of Yugoslavia, the self-proclaimed "Republic of Macedonia". According to reliable information, the victims of such violations were groups belonging to the Albanian, Serbian, Vlach, and Greek minorities of the Republic of Skopje, particularly priests belonging to the Serbian Orthodox Patriarchate, the Serbian minority which had requested the appointment of teachers for its communities, and individual Serbs who had died as a

consequence of their interrogation by the Skopje police. Kosovo had been widely discussed during the past three years, but the Commission and the international community had shown little interest in the minorities living in that Republic. In addition, a new kind of human rights violation was now being committed against the Greek population. The Government of the Republic of Skopje and its fanatic nationalists had launched against that population a campaign of racial hatred, which in fact concealed plans to annex certain Greek provinces. The very use of the name "Macedonia" was an imposture. Macedonia was a region whose Hellenic character had recently been confirmed by archaeological excavations, and the adjective "Macedonian" could be applied only to what was Greek. In using such stolen terminology, the Republic of Skopje was in fact preparing the ground for its territorial expansion, thus threatening peace and security throughout South-East Europe. The Greek Orthodox Archdiocesan Council of North and South America appealed to the Commission to apply the underlying principle of the Covenants, namely that everyone was responsible for the promotion of human rights and fundamental freedoms, and to do its utmost to put an end to the acts perpetrated by the Republic of Skopje, which constituted violations of the United Nations Charter.

22. Mrs. BANDETTINI DI POGGIO (International League for the Rights and Liberation of Peoples) began by welcoming the peace agreement signed in El Salvador, but placed the international community on guard against any relaxation of its vigilance. All the difficulties were far from being smoothed out and the efforts aimed at translating the agreement into a concrete reality now had to be sustained.

23. Moving on to the case of Guatemala, she stated that no one dared recognize the truth: nothing had changed in Guatemala, even though it had been a "democracy" since 1986, and the Commission was taking no action. There had been no improvement whatsoever in the situation regarding human rights and fundamental freedoms, either under the first civilian regime after 30 years of dictatorship or during the second, established in January 1991. The Commission's resolution 1991/51 had in fact, as had been foreseen by several Member States and non-governmental organizations, constituted a message of impunity in respect of any new violations. It had been learnt from a reliable source, confirmed by the independent expert's report, that violations committed by the armed forces and police were continuing. Civil society, impotent as ever, was incapable of running a constitutional State. What perverse mechanism had led to the belief that the criminal habits of civil and military dictators would cease with the advent of a "fragile democracy", or in other words, a democracy under military guardianship?

24. She recalled that an event of major importance had occurred in 1990, namely the signing of the Oslo Agreement, which had set in motion a negotiation process between the Government, the army and the Guatemalan National Revolutionary United Front (URNG). That historic process, which had started up in April 1991, had generated much hope, but it had to be acknowledged that the debate on human rights, which was the first agenda item agreed upon by the parties concerned, was progressing extremely slowly, mainly due to a lack of political will on the part of the Government delegation. Regarding the questions of impunity, humanitarian law and the return and resettlement of refugees, the climate was apparently beginning to clear.

However, the Government had not yet recognized the rights, nor accepted the demands, of the Standing Committee of Refugees in Mexico and the Communities in Resistance, who were still subjected to military repression. Since 1988, the 43,000 or so refugees in Mexico had made it clear that they would return only on certain conditions, namely: that the return should be collective and organized and freely and individually decided; that the returnees should be accompanied by national and international non-governmental organizations and representatives of the Office of the High Commissioner for Refugees; that they could return to their place of origin and retake possession of their lands; that they should be guaranteed the right to freedom of organization and association and the right to life and to personal and collective integrity; and that they should be guaranteed freedom of movement inside Guatemala and abroad. Those conditions had still not been agreed to by the Guatemalan authorities.

25. The current situation was but a source of frustration. The members of the Commission themselves suffered from it, being tired of hearing the same list of human rights violations repeated ad infinitum, convinced for the most part that the situation could not last but, because of commitments entered into at some presidential summit, forced to state that they had no power to do anything. Non-governmental organizations, "the moral conscience" of the United Nations, also suffered from the situation, continuing to denounce repression and injustice to no avail. Above all, however, the Guatemalans themselves suffered from it, some of them coming before the Commission at the risk of their lives in the hope that the international community, recognizing that even the Commission - where the Guatemalan delegation included military personnel - was not a safe place for them and that death might lie in wait for them when they returned to their country, would offer them understanding and support.

26. The International League for the Rights and the Liberation of Peoples hoped that, at the current session, the Commission would adopt a resolution denouncing the persistent violations of human rights and fundamental freedoms in Guatemala and urging the parties involved to continue their negotiations with a view to achieving a specific agreement providing for the immediate implementation of human rights guarantees, and pursuant to which a strong and impartial international structure would be established to monitor whatever process might be achieved for the purpose of protecting human rights or reaching a negotiated political agreement between the Government, the army and URNG. She called on the participants in the forty-eighth session of the Commission to heed the appeal made in the sacred book of the Quiche Maya: "May everyone rise up, may no one stay behind".

27. Mr. KRALIK (Czechoslovakia) said that the vast social movement at the end of the 1980s in Czechoslovakia had revealed the determination of the citizens to liberate themselves from everything that had denied them their dignity and rights. It had been, in the words of Vaclav Havel, a natural revolt against the stifling of a colourful history and the reduction of each individual to the state of an average hominid in the prison of unifying ideology. Now liberated from the yoke of Manichean dualism, beset by the contradictions of a restored historical memory and events that brought him face to face with innumerable problems of every kind, the individual was currently a prey to the excesses of crude animal strength. Like other countries, Czechoslovakia

should now make an effort to accommodate such excesses to the fundamental aspiration of the Aristotelian political animal to live in a collectively guaranteed peace and harmonic intellectual union, while at the same time meditating upon the means of safeguarding what was most valuable for man, regarded as an integral part of nature.

28. He spoke of the long road that humanity had had to travel before achieving a democracy founded on the principle of equality and the recognition of human rights, yet without having succeeded in avoiding the conflict between citizen and State. Humanity had therefore provided itself with several definitions of law and universal human justice, ranging from the postulate, "jus est quod est justum", to the heinous pronouncement that "law is the instrument of the proletariat's dictatorship". The truth lay between those two extremes, and a solution to the problem had been wisely found through the creation of the Commission on Human Rights, whose task was to define not only what was legally just but also what was the inalienable right of every human being.

29. Moving on to practical issues directly related to the work of the Commission, he pointed out that the Czechoslovak Government had taken various measures during the past year in order to ensure more effectively the protection of human rights, including ratification of the 1951 United Nations Convention relating to the Status of Refugees and of the 1967 Protocol relating to the Status of Refugees. In the course of the current year, the Czechoslovak Government would also ratify the European Convention on Human Rights and other international human rights instruments. Unlike some States, the Czech and Slovak Federal Republic did not believe that questions concerning the safeguarding of human rights were purely a domestic affair. On the contrary, aware of its shortcomings in that field, it was ready to accept criticisms and hoped that all the countries in which human rights were not yet fully respected, such as Myanmar, Indonesia, Sri Lanka, Cuba, Guatemala, Iraq and Sudan, would do the same. It similarly hoped that real progress would be achieved concerning human rights in the occupied Arab territories, including Palestine. With regard to Cyprus, his Government felt that the human rights situation there would only improve when a just and durable solution, accepted by both parties, had been found to the conflict between the two communities, and it appreciated the constructive role played in that connection by the United Nations. It also welcomed the encouraging developments in the situation in various countries, and was particularly pleased to note the readiness of the Romanian Government to cooperate with the Commission, mentioned by the Special Rapporteur, Mr. Voyame, in his report (E/CN.4/1992/28). It noted with relief the conclusion in El Salvador of a cease-fire agreement which created the conditions required for an improvement in the human rights situation in that country. Lastly, it hoped that the process under way towards abolishing apartheid in South Africa would continue, but nevertheless considered that the Commission on Human Rights should keep the question under review until it was finally settled.

30. The forty-eighth session of the Commission was particularly important in that two new draft international instruments were to be adopted, namely the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities and the draft declaration on the

protection of all persons from enforced or involuntary disappearances. The Czechoslovak delegation hoped that the Commission would be able, at its forty-ninth session, to adopt the draft declaration on the right and responsibility of the individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, in view of the urgent need to protect all those who dared to brave the risks of persecution, imprisonment, torture and even death to which they were exposed in some countries, such as Cuba. The Special Representative of the Secretary-General responsible for studying the situation of human rights in that country, Mr. Rivas Posada, had noted in his report a worrying increase in the number of communications alleging the persecution of dissidents and opponents of the Cuban regime.

31. The Czechoslovak delegation greatly appreciated Italy's offer to host the 1993 Conference on Human Rights following Germany's withdrawal. In its opinion, the Conference should make it possible to form a comprehensive idea of the entire spectrum of human rights issues. One of its main tasks could be to undertake a radical reappraisal of all the monitoring mechanisms in order to ensure better coordination between them. Much still remained to be done to guarantee human rights and safeguard the oneness of human beings, whose individual qualities could freely blossom only in a democratic context. For its part, the Czechoslovak Government would continue to do everything within its power to serve justice and guarantee the protection of human rights at a higher level of responsibility.

32. Mr. HELLER (Mexico) said that, despite the progress achieved in the field of human rights and fundamental freedoms in some parts of the world and in the search for negotiated solutions to internal and religious conflicts, human rights violations none the less remained an important issue. They continued to be of grave concern in Afghanistan, Cambodia, the Middle East, Cyprus and even Europe, where fratricidal struggles were currently being waged in the name of the principle of self-determination and minority rights. Democratization and its concomitant respect for human rights were, moreover, under threat from extreme poverty, economic imbalances and social inequality in the developing countries. Nevertheless, the international economic situation held out promising prospects for the future of the protection of human rights, and thought should be given to the need for the Commission to adjust to the far-reaching changes which had occurred in the world in order to remedy its shortcomings and overcome the contradictions which tainted its performance.

33. Attention should first be given to the politicization and selectivity which had for years characterized its debates. Hence, the situation of human rights in various countries where progress towards democracy was now being greeted with enthusiasm had been glossed over for eminently political reasons, which said much for the diplomatic qualities of some governments but nothing for the Commission. For example, the Commission, which had failed to consider certain incidences of flagrant, massive and persistent violations resulting from deliberate State policy in some countries, still retained on its agenda the question of countries which were prey to internal conflicts fomented and militarily and financially supported by other countries without the slightest concern about the human rights situation or the nature of the political system prevailing there. The Persian Gulf conflict was a prime example. Secondly,

the agenda of the Commission clearly lacked any balance. Not everyone recognized or perceived the link between civil and political rights and economic, social and cultural rights in the same manner. For some, the rights of the individual had absolute priority, regardless of the social, economic and cultural context, whereas for others, the exercise of such rights depended on the actual situation of society. The Commission should also address some of the new phenomena in human rights, such as the resurgence of racism and its political manifestations in the developed countries, which could well be exacerbated by the new influxes of migrants and the precarious living standards of the most disadvantaged sectors of the population. Thirdly, the importance of international cooperation in human rights should be stressed. The case of El Salvador, which the Commission had been considering for years, was evidence that the dialogue between the parties to the conflict, which Mexico had always recommended in the Commission and other forums, and the search for a negotiated solution to the civil war, were the prerequisites for the establishment of peace in the country and the restoration of the rights of the Salvadorian people.

34. Since the proclamation of the Universal Declaration of Human Rights, the United Nations had drawn up numerous legal instruments to guarantee respect for human rights. The Commission itself had established various control mechanisms, such as rapporteurs on specific subjects and country rapporteurs to provide it with an accurate and up-to-date picture of the human rights situation in various parts of the world. However, while it was true that the Commission should improve the effectiveness of its activities in support of human rights, it should not, in doing so, contravene the fundamental norms of international law. His delegation did not share the view that, with regard to human rights, the principle of non-interference had lost all validity and that in the contemporary interdependent world, the sovereignty of States was an anachronistic concept. The Commission was composed of sovereign States, and care should be taken to ensure that the rights of States were not infringed in the name of human rights. It was well known that the defence of human rights was sometimes used as a pretext to justify the interventionist policies of certain countries which wished to impose their own form of political structure on others with complete disregard for the right of peoples to self-determination. It was therefore imperative to create a balance between international cooperation, the responsibility of States to fulfil any obligations undertaken and respect for their internal jurisdiction. The ideological confrontations of the past which continued to permeate discussions in the Commission, and the attempts to impose a unilateral interpretation of universal values should be done away with once and for all. On that basis, Mexico was ready to contribute to any effort aimed at strengthening the current mechanisms for protecting human rights. Strengthening the role of the Commission should not be the monopoly of any particular group of countries; all member States should humbly play their part.

35. Mr. BROTODININGRAT (Indonesia) said that he wished to set the record straight regarding the tragic events of 12 November 1991 in Dili, the capital of East Timor, which had resulted in a number of deaths and casualties. It should be stated that the incident in Dili was not the result of a deliberate policy on the part of the Indonesian Government. On the contrary, it had been

dealt a serious set-back to all the Government's previous efforts to bring peace to East Timor. Contrary to statements made by several speakers who had distorted the facts, the demonstration which had taken place on that day had not been entirely peaceful. The procession which had started from the Motael Church, heading for the Santa Cruz cemetery, had very quickly been transformed by a small group of agitators into a riot, in the course of which a batallion commander had been stabbed and a member of the security forces wounded. It was in that climate of tension and confusion that members of the security forces had fired on the crowd, causing a chain reaction. The Indonesian Government had immediately set up a National Commission of Inquiry, headed by a Supreme Court judge, which was to conduct a thorough investigation. On 26 December 1991, the Commission had submitted a provisional report containing its main conclusions. Its full report, which would provide all the evidence in support of those conclusions, would soon be ready. The Commission had acquitted itself of its task in a serious manner. It had particularly emphasized the failure to apply anti-riot procedures and the careless handling of casualties and the deceased, the numbers of which had risen to approximately 90 and 50 respectively. In its conclusions, it had recommended that, in the interests of justice, action should be taken against all those implicated in the events of 12 November who were suspected of having violated the law. Having received the preliminary report of the National Commission of Inquiry, the President had reacted promptly, inter alia by ordering the replacement of the commander of Military Region IX, the commander of the operational command in East Timor and all responsible subordinate officers. He had also ordered the establishment of a military council of honour to inquire into the attitude of the regional and local security officials at the time of the incident and to recommend any steps to be taken. In addition, the President had authorized the Attorney-General to institute legal proceedings against those responsible for illegal acts, and had also asked the commander of the armed forces to clarify the discrepancies regarding the number of casualties. Finally, 44 of the 57 persons detained following the incident were soon to be released.

36. In the same vein, the Indonesian Government had agreed to receive Mr. Amos Wako, the Attorney-General of Kenya and an international authority on human rights, as special envoy of the Secretary-General of the United Nations whose mandate was to investigate the Dili incident. Mr. Wako had visited Indonesia from 9-15 February and had had the opportunity to meet President Soeharto, senior officials of the Government and the army, and officials of various non-governmental organizations active in the field of human rights in Djakarta and to hold talks with the local authorities in Dili. In view of the seriousness and firmness with which its Government had reacted, his delegation deeply deplored the exaggeration and deliberate disinformation which had occurred in some reports on the incident. It also deplored the fact that some speakers persisted in discrediting the findings of the National Commission of Inquiry, thus showing the chronic prejudices which they harboured against the Indonesian Government.

37. Now that light had been shed on the real facts of the tragedy his delegation hoped that the delegations and observers in the Commission would have a more balanced and realistic perception of it. In that connection, it had felt able to welcome recent statements along those lines by the

United States and the European Community. It had therefore been astonished when, the same day, a draft resolution had been officially submitted on behalf of the 12 members of the European Community without any prior consultation of his delegation. The spirit, content and tone of the draft was so inconsistent with the earlier statements as to render their credibility extremely questionable.

38. Mr. AL-DOURI (Iraq) said that, despite its achievements, the Commission had not succeeded in establishing uniform criteria for monitoring human rights, and that it applied double standards according to whether or not the countries in question maintained good relations with the United States. Countries of Asia, Africa and Latin America who refused to accept American or European domination were severely criticized, whilst it was forbidden to mention violations occurring in the United States and Europe. It was well-known that a certain number of powerful countries had met even before the session of the Commission had begun, and had decided, according to the directives of certain government organizations, which countries were to be the subject of resolutions or inquiries.

39. Furthermore, the Commission was not always objective in its manner of assessing the human rights situation in any country. While the fact that a country was experiencing difficulties did not exempt it from having to respect human rights, certain extreme situations, such as civil war, dire poverty, political upheavals, demanded, as a matter of priority, urgent economic, social and political solutions which could have a negative impact on the enjoyment of human rights. Iraq, for example, was currently experiencing a catastrophic situation following the years of war against Iran, the war against the United States and the economic blockade to which it was being subjected. The Commission was being extremely harsh towards Iraq, whilst displaying favouritism towards rich countries such as the Gulf States, which also violated human rights, simply because they were allies and friends of the United States.

40. On the other hand, the international community appeared to accord lesser importance to the true crime of genocide perpetrated against the Iraqi people during the Gulf war. Virtually the entire economic, medical and education infrastructure of the country had been destroyed. Countless civilians had been killed during the bombings, prohibited weapons, such as fragmentation bombs, had been used against innocent civilians, and the long-term consequences of the destruction of radioactive equipment were not yet known.

41. The economic embargo constituted a further crime. Women and children were dying from lack of food. Medicine was scarce and some seriously ill patients were obliged to travel hundreds of kilometres in order to receive medical attention in foreign hospitals. They were sometimes refused entry or transit visas by Western countries, and were thus condemned to die from lack of care. The blockade also had cultural implications, since the paper needed for textbooks, for example, was in short supply.

42. In stirring up riots, all the countries taking part in the blockade against Iraq were directly or indirectly responsible for the deterioration of the domestic human rights situation. Under the pretext of overthrowing the

political regime, the Iraqi people were being starved and an attempt was being made to bring about the slow deaths of 18 million people. The embargo was a crime which violated all human rights and all international instruments in force.

43. The desire of the Iraqi Government to promote human rights was genuine, as proved by the series of measures introduced since the end of the Gulf war. Iraq had welcomed the visit of a special rapporteur, with whom it had agreed to cooperate sincerely, and democracy would already have been a reality in the country had the Government not had to contend with a conspiracy organized by the United States and its allies. Laws permitting a multipartite system, pluralism and freedom of the press had been enacted. The state of emergency imposed on the country since the war with Iran had been brought to an end. A consultative committee on human rights had been set up at the Ministry of Foreign Affairs, and legal committees had been asked to study all laws promulgated since the war with a view to repealing or amending them. Persons arrested following riots and disturbances had been released and the emergency measures taken on such occasions lifted. Efforts were being made to bring to justice all persons responsible for acts of torture. In conclusion, he reiterated that the main problem currently facing his country was the economic blockade and its catastrophic effects. His delegation urged the Commission to take that situation into account and to condemn the United States and its allies, who were responsible for it.

44. Mr. MBURI (Kenya) said that the human rights situation in Cyprus continued to give cause for concern, and, despite the resolutions adopted by various bodies of the United Nations, it had scarcely changed. The Non-Aligned Movement and the Summit of the Heads of State of the Commonwealth had expressed their concern on the matter. His delegation welcomed the initiative taken by the Secretary-General to find a solution to the conflict. In order to facilitate the efforts of the Secretary-General, all interested parties should comply with the resolutions of the Security Council and the General Assembly. The territorial integrity and sovereignty of the Republic of Cyprus should be respected and the Greek and Turkish Cypriots should again be able to live in peace.

45. Mr. HAKIM (Observer for Bahrain) recalled that at the beginning of 1991, Kuwait had still been under Iraqi occupation following Iraq's brutal aggression in violation of the United Nations Charter and other international instruments. Iraq had committed barbaric crimes which had been condemned by the international community. The Commission on Human Rights had adopted resolution 1991/67 on the situation of human rights in Kuwait under Iraqi occupation, in which it had specifically decided to appoint a Special Rapporteur to examine the human rights violations committed in occupied Kuwait by the Iraqi invasion and occupation forces. The appointed Special Rapporteur, Mr. Walter Kälin, had submitted to the current session of the Commission a very full report (E/CN.4/1992/26), from which it clearly emerged that Iraq had violated the International Covenant on Civil and Political Rights, particularly article 9 which prohibited arbitrary arrest or detention. The Iraqi occupation forces were also responsible for numerous cases of torture and cruel, inhuman or degrading treatment, which had inflicted physical and psychological damage on the victims. The informat

ion which the Special Rapporteur had been able to obtain proved that the violations of the right to life had been systematic and deliberate, in disregard of article 3 of the Universal Declaration of Human Rights, article 6 of the International Covenant on Civil and Political Rights and the norms governing armed conflicts, as set forth in the 1949 Geneva Conventions. Moreover, in violation of articles 56 and 57 of the Fourth Geneva Convention, Iraq had failed to preserve medical services. It had also systematically sought to destroy Kuwait's social and economic infrastructures (public buildings, factories, power stations, etc.).

46. His delegation wished to draw the attention of the Commission to the extremely serious question of missing persons (para. 150 of the report). One year after the liberation of Kuwait, a large number of such persons had not yet been released. Iraq was scheming and maneouvering in order to withhold information on missing persons, including Bahraini nationals. His delegation appealed to Iraq to release the Kuwaitis and other nationals, including Bahrainis, whom it was holding prisoner.

47. Mr. CUENOD (Refugee Policy Group) said that, each year, human rights violations (deliberate massacres and acts of genocide, racial, religious or ethnic persecution, denial of civil, political, economic and social rights) forced countless numbers of people to flee their homes and seek refuge in other countries. Since 1980, the Commission on Human Rights had recognized the direct link between human rights violations and movements of refugees. Since the number of refugees and displaced persons continued to grow, United Nations bodies should take urgent measures to stop those human rights violations which caused large-scale movements of population.

48. The Refugee Policy Group urged the Commission to consider carrying out an annual review of human rights violations which gave rise to massive exoduses of refugees. Such a review would enable the Commission to have a clearer perception of the root causes of refugee flows and to devise appropriate action. It could be prepared by the secretariat or by an independent expert with the help of Commission rapporteurs and working groups. Information on refugee flows could be provided by an annual report of the United Nations High Commissioner for Refugees.

49. With a view to improving human rights conditions in the countries producing refugees, the Commission could take a number of steps. In particular, it could call upon the Secretary-General to establish direct contacts with Governments of States from which such refugees originated, in accordance with a resolution adopted by the Commission in 1980. It could also use more fully the advisory services programme to better protect human rights in those same countries. Moreover, it could adopt resolutions denouncing the deliberate policies of uprooting people which were being implemented by certain States. The group of governmental experts established by the General Assembly in 1981 had recommended that States whose policies led to mass exoduses should be held responsible.

50. It was equally critical to set up an early warning system to alert the international community to impending refugee flows. As yet, only limited progress had been made in developing such a system, which would alert the Secretary-General to deteriorating human rights conditions. In that regard,

the mandate of the competent bodies of the United Nations should be broadened, and in particular, the capability of the Centre for Human Rights, the High Commissioner for Refugees and the United Nations Development Programme should be strengthened. Information gathered by government organizations could also be put to use. Any action taken by the United Nations should be coordinated and the newly appointed Emergency Relief Coordinator should be able to receive and exploit all information which was relevant to emergencies.

51. The Commission on Human Rights could also sound the alarm bell whenever the human rights situation in a particular country was rapidly deteriorating and likely to produce an exodus of refugees. It could further call on the Sub-Commission on Prevention of Discrimination and Protection of Minorities to monitor the treatment of minorities and draw the attention of the Commission to situations whenever necessary. It could perhaps also explore the development of a programme for the protection of refugees, displaced persons and those returning to their own countries. The United Nations bodies should remain alert to the situation of such persons, as they were often subjected to harassment and arbitrary detention, and sometimes simply disappeared. The Refugee Policy Group therefore urged the Commission to accord the problem of refugees and its causes the attention which it merited.

52. Mrs. FAUCHERE (World Confederation of Labour) said that ethnic and racial conflicts threatened to replace ideological conflicts and to place young democracies at risk. The problems were further exacerbated by the economic crisis affecting those countries, in many of which, workers attempting to organize themselves independently of the authorities were subjected to death threats, arrest and dismissal. The World Confederation of Labour wished to draw the Commission's attention specifically to the situations in Korea, Côte d'Ivoire, Brazil, Madagascar, Turkey and Iran.

53. In Korea, the Government was using every possible means to put down strikes, and more than 15,000 trade unionists had been arrested during the previous year. In Côte d'Ivoire, the independent trade union organization, Dignité, established in 1990, was still not recognized by the Government and its members were harassed by the authorities and subjected to all manner of threats. With regard to Brazil, the international community had little conception of the inhuman conditions in which thousands of men, women and children lived and worked, confined in huge estates where they were subjected to the worst forms of violence and the most atrocious cruelties. They were forced to work more than 12 hours a day; if they attempted to protest or escape, they were slaughtered like animals or savagely beaten. The Pastoral Land Commission had condemned the slave-like existence of over 8,000 rural workers. Again in Brazil, the leaders of peasant trade unions were threatened with death or murdered. Peasants who claimed land rights were arrested, detained in solitary confinement and ill-treated. The World Confederation of Labour called on the Brazilian Government to take all necessary measures to put an end to such unacceptable practices.

54. In Madagascar, democracy was being whittled away and fundamental rights were being disregarded more and more openly. The crimes imputable to the Government were legion; assassinations, arbitrary detentions, detention without trial, inhumane treatment, torture, summary executions and so on. In addition, the social and economic situation was most alarming. The

authorities' contempt for democracy and human rights had been revealed on 10 August 1991, during the "freedom march", in the course of which the presidential guard had fired on the unarmed crowd; the result had been carnage. The situation in Madagascar demanded an inquiry in order to ensure those responsible for the violations were brought to justice, and that measures were taken to help the authorities to respect and promote human rights.

55. Turkey had exploited its strategic role during the Gulf war to step up its repression of the Kurdish people. During 1991, human rights violations against the Kurds had increased. Moreover, the Turkish Government had carried out massive deportations and over one and a half million Kurdish peasants now lived on the outskirts of towns, in complete deprivation and inhuman conditions. Like the Turkish Government, the Iraqi Government showed contempt for the fundamental rights of the Kurds. The World Confederation of Labour asked the Turkish and Iraqi Governments to end their violations of the human rights of the Kurdish people.

56. With regard to Iran, Mr. Galindo-Pohl, the Special Rapporteur, had noted that no appreciable progress towards the observance of human rights had been made in 1991. An atmosphere of terror reigned in the country. Daring to criticize the Government was regarded as a treasonable offence. Any woman who ventured into the street without being totally covered from head to foot could be arrested and sentenced to 74 lashes. In addition, the right to create independent organizations, including trade unions, was not recognized. Despite the threats which hung over them, 100,000 workers from oil and petrochemical refineries had gone on strike on 4 February; the authorities had immediately reacted by arresting a number of strikers. The World Confederation of Labour supported the conclusions of the Special Rapporteur, who recommended, inter alia, that the situation of human rights and fundamental freedoms in Iran should continue to be monitored.

57. The World Confederation of Labour wished to pay tribute to all the men, women and children in the world who were struggling for their survival and for the defence and promotion of human rights. They often paid for their freedom and dignity with their lives.

58. Mr. Walker (Australia) took the Chair.